

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Claim no.:

B E T W E E N :

Philosophy, Inc

Claimants

-and-

Baylis & Harding PLC & The Bon-Ton Stores, Inc

Defendants

WITNESS STATEMENT OF OLIVER LOCK

FARRER & Co LLP

66 Lincoln's Inn Fields
London
WC2A 3LH

Ref: JCP/JAA/OXL

Tel: 020 3375 7000

Fax: 020 7405 2296

I, **OLIVER LOCK**, c/o Farrer & Co, 66 Lincoln's Inn Fields, London WC2A 3LH WILL SAY
AS FOLLOWS:-

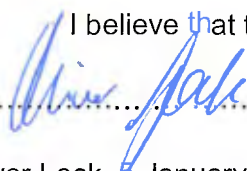
1. I am a Trainee Solicitor in the solicitors firm of Farrer & Co of 66 Lincoln's Inn Fields above.
2. I make this statement from matters within my own knowledge as the result of my work on the case. Where I make this statement on the basis of information or belief, I have indicated the source of that information or belief.
3. Accompanying this statement is an exhibit marked "OL1". References to the relevant pages in this exhibit are given in the form of "**page [X] of OL1**".

Posting of the bundle

4. I was emailed on 30 December 2014 by my supervisor, Adrian Parkhouse, who asked me to prepare a bundle of papers to post on Friday 2 January 2015, by special delivery, to the defendant company, Baylis & Harding PLC (see email at **page 1 of OL1**).
5. On Friday 2 January 2015 I put together a bundle comprising the following documents:
 - (a) Cover letter;
 - (b) Copy of the cover letter;
 - (c) Pre-paid envelope;
 - (d) A Summons in a Civil Action No 14 CV 9892 ("the Action") issued in the United States District Court for the Southern District of New York and dated 15 December 2014;
 - (e) A Complaint in the Action also dated 15 December 2014;
 - (f) A copy of a document headed "Individual Practices of Judge William Pauley III" amended on 7 November 2014; and
 - (g) A copy of a document entitled "Electronic Case Filing Rules and Instructions" issued by the United States District Court for the Southern District of New York.
6. At 10:02 on the same day I handed the bundle of papers in an envelope addressed to the registered office of Baylis & Harding PLC to the post office who confirmed it would be sent by special delivery to be delivered on Monday 5 January 2015. A copy of the receipt can be found at **page 2 of OL1**.

Statement of Truth

7. I believe that the facts stated in this witness statement are true.


.....

Oliver Lock, 5 January 2015

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Baylis & Harding PLC & The Bon-Ton Stores, Inc

Defendants

EXHIBIT OL1

LOCK, Oliver

From: PARKHOUSE, Adrian
Sent: 30 December 2014 11:05
To: LOCK, Oliver
Subject: RE: Coty Inc. / Service of U.S. Complaint on UK Defendant (KT Ref. No. 56770-894900) [FARR.XKEE]

Oli

This is the final response on this (I hope).

I have spoken to Abe in the Post Rom and have decided that we opt for Special Delivery as being the closest to what the Americans seem to want (although it, like Recorded Delivery, requires a signature from the recipient – which they prefer but I generally avoid).

I have printed and signed the letter with Friday's date and put it + the to-be-enclosed copy and pre-paid envelope on your desk with the other papers. I have also left a file copy of this little bundle.

On Friday, will you:

- Check the letter, collate its contents and put in an appropriately addressed envelope
- Take it to the Post office (on Aldwych) and send it by Special Delivery for Monday delivery (not Saturday – which Abe tells me is an option on the form)
- Check with Abe, who is in, about Special Delivery if you have any doubts.

I want you to both prepare the envelope and put the letter into the post (in the sense of handing to the Post office) since it is possible that you will be required to make an affidavit of service when you will need to say on what you date you put it into the post and exactly what was in the envelope (the reason for collating a shadow bundle now).

I will be around on Friday if needed (07939 065 853).

A

Adrian Parkhouse
Partner
Farrer & Co
Tel: +44 (0)20 3375 7000

From: LOCK, Oliver
Sent: 29 December 2014 8:29 PM
To: PARKHOUSE, Adrian
Subject: Re: Coty Inc. / Service of U.S. Complaint on UK Defendant (KT Ref. No. 56770-894900) [FARR.XKEE]

Hi Adrian

I hope you had a good break and a lovely Christmas.

Sorry I have just seen this - in case you post before I am back, I have printed out the documents and they're on my desk ready to go.

I believe I put a post-it on the stack of papers to speak with you when I got back.

Thanks

Olly

Post Office Ltd.
Your Receipt

FAD: 008010

Aldwych
95 Aldwych
London
Greater London
WC2B 4JH

VAT REG No. GB 172 6705 02
Date of Issue: 02/01/2015 10:03
SESSION: 8-61199

	Item Price ex VAT	inc VAT	Total(£)
(E)Special D by 1			
1	7.15	7.15	7.15
(S)-Standard Rate (Z)-Zero Rate (E)-Exempt			
TOTAL DUE TO POST OFFICE			7.15

Visa Debit FROM CUSTOMER 7.15
BALANCE 0.00

Payment Retail

Card Number: **** * 7584 Issue: *
Visa Contactless
Auth Code: EFT No: 0
Merchant ID: 70879271
Terminal ID: 22538177
Application ID: A0000000031010
From: Expiry: 06/17 PAN Seq No: 00
Transaction ID: 00-8010-8-3034282-1
Date/Time of Payment: 02/01/2015 10:03

Amount: £7.15

Your account will be debited with the
above amount. Transaction confirmed. No
cardholder verification.

Please retain for future reference

Thank You

Post Office Ltd.
Your Receipt

95 Aldwych
London
Greater London
WC2B 4JH

Date and Time: 02/01/2015 10:02
Session ID: 8-61199
Dest: UK (EU)
Quantity: 1
Weight: 0.300 kg

Special D by 1 £0.00 £7.15

Total Cost of Services £7.15

Posted after Last Collection? No

Barcode: AE690276303GB

DESTINATION ADDRESS
Building Name or Number Postcode
BAYLIS AND HARDING B98 7AS
Address Validated? H

IT IS IMPORTANT THAT YOU RETAIN THIS
RECEIPT AS IT IS YOUR PROOF OF POSTING

PLEASE REFER TO SEPARATE TERMS AND
CONDITIONS

SD Guaranteed is an express
next day service for the UK offering
a money back guarantee for delay and
compensation for loss and damage to
your item. Check delivery at
www.royalmail.com or call
03457 001 200 quoting your ref no.

This is not a VAT Receipt
Thank You

UNITED STATES DISTRICT COURT

for the

Southern District of New York

PHILOSOPHY, INC.,

Plaintiff

v.

BAYLIS & HARDING PLC and THE BON-TON
STORES, INC.,

Defendant

) **14 CV 9892**
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

JUDGE PAULEY

To: *(Defendant's name and address)* BAYLIS & HARDING PLC
Nash Road, Park Farm, Redditch
Worcestershire, B98 7AS, United Kingdom

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

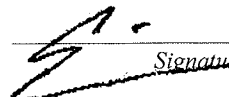
Lisa Pearson, Esq.
KILPATRICK TOWNSEND & STOCKTON LLP.
1114 Avenue of the Americas, 21st Fl.
New York, NY 10036
Phone: (212) 775-8700

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAVITZ

CLERK OF COURT

Date: **DEC 15 2014**



Signature of Clerk or Deputy Clerk